

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

LORI K. AUSTIN,

Plaintiff,

v.

THE BETTER BUSINESS BUREAU OF MIDDLE
TENNESSEE, INC.,

Defendant.

No. 3:10-cv-84

Judge Nixon
Magistrate Judge Brown

JURY DEMAND

MOTION FOR LEAVE TO FILE REPLY MEMORANDUM SUPPORTING
DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT

COMES NOW Defendant The Better Business Bureau of Middle Tennessee, Inc. (the "Bureau") and moves the Court to grant leave to file the Reply Memorandum which accompanies this motion, in support of its motion to dismiss the Amended Complaint. As the Reply Memorandum points out, Plaintiff's opposition to the motion to dismiss mistakenly relies on allegations outside the pleadings and ignores case law upholding pre-trial dismissals of ADA claims based on managerial employees' repeated absences.

WHEREFORE, the Bureau respectfully requests the Court to grant leave to file the accompanying Reply Memorandum in support of its motion to dismiss.

Dated April 26, 2010.

Respectfully submitted:

/s/ W. Justin Adams

W. Justin Adams (TNBPR 22433)

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CERTIFICATE OF SERVICE

I certify that this document was served on the following people through the Electronic Filing System of the United States District Court for the Middle District of Tennessee on the date stated below:

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Dated April 26, 2010.

/s/ W. Justin Adams